

P33117USw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eatherton, et al.

Serial No.: 10/528,592

Examiner: unassigned

Filing Date: September 25, 2003

Art Unit: unassigned

For: PYRIDINE DERIVATIVES AS CB2 RECEPTOR MODULATORS

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT

37 CFR 1.181(a)

Sir:

This Petition is submitted in response to the Notification of Abandonment mailed August 4, 2006. The Notice states that Applicants failed to respond to a Notification of Missing Requirements mailed November 17, 2005. Applicants respectfully submit that a response to the Notification of Missing Requirements was timely filed by facsimile transmission on December 8, 2005.

Transmitted herewith is a duplicate copy of

- Certificate of Transmission by Facsimile (1 pg), signed by Valerie L. Phillips dated December 8, 2005, identifying the Notification of Missing Requirements, Transmittal Letter, and Declaration,
- Transmittal Letter (3 pgs) identifying an oath or declaration and authorizing that all applicable charges may be charged to Applicants' deposit account,
- Copy of Transmittal Letter (3 pgs) identifying an oath or declaration and authorizing that all applicable charges may be charged to Applicants' deposit account,
- Notice of Missing Requirements (2 pgs) dated November 17, 2005,

P33117USw

- Combined Declaration for Utility or Design Patent Application with Power of Attorney (3 pgs)
- Power of Attorney (1 pg)
- Certificate Under 37 CFR 3.73(b) (4 pgs)
- Applicants' fax confirmation report showing that 17 pages were successfully transmitted to fax number 703-305-3230 on December 8, 2005.

Also transmitted herewith is a current copy of Applicants' docket sheet for the above referenced file as evidence that a reply was transmitted to the Office on December 8, 2005.

In view of the foregoing, Applicants respectfully submit that abandonment was not proper and request withdrawal thereof.

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



J. Scott Young
Attorney for Applicants
Registration No. 45,582

Date: 17 August, 2006
GlaxoSmithKline Inc.
Five Moore Drive, PO Box 13398
Research Triangle Park
North Carolina 27709
(919) 483-8160
fax: (919) 483-7988
Scott.S.Young@gsk.com

* * * COMMUNICATION RESULT REPORT (DEC. 8. 2005 3:49PM) * * *

TTI GW GLOBAL R&D IS

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
0162 MEMORY TX		917033053230	OK	17/17

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REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION

FAX**GlaxoSmithKline****To** Attn: Deborah D. Williams**Company** USPTO**Fax** 703-305-3230**From** Valerie L. Phillips**Tel** 919-483-8223 **Fax** 919-483-6730**E-mail** Vlp47157@gsk.com**Date** December 8, 2005 **Pages including cover** 17**Subject** Response to Missing Requirements

Glaxo Wellcome Inc.
PO Box 13398
Five Moore Drive
Research Triangle Park
North Carolina 27709
Tel: 919 483 2100
www.gsk.com

Serial No.: 10/528,592**Filing Date:****Applicant:** Eatherton et al.**Title:** Pyridine Derivatives as CB2 Receptor Modulators**Attached:**

Certificate of transmission via facsimile

Notification of Missing Requirements under 35 U.S.C. 371 in the US....

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371

Declaration

Power of Attorney & Resolution

Certificate Under 37 CFR 3.73(b)

Thank you,
Valerie Phillips

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3230) on December 8, 2005.


Valerie L. Phillips

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FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 7-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

A. KEY'S DOCKET NUMBER

P33117USW

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/528,592

INTERNATIONAL APPLICATION NO.
PCT/EP03/10935INTERNATIONAL FILING DATE
September 25, 2003PRIORITY DATE CLAIMED
September 27, 2002

TITLE OF INVENTION

Pyridine Derivatives As CB2 Receptor Modulators

APPLICANT(S) FOR DO/EO/US

EATHERTON, A.J.; GIBLIN, G.M.P.; GREEN, R.H.; JANDU, K.S.; MITCHELL, W.L.; NAYLOR, A.; PALOMBI, G.;
RAWLINGS, D.A.; SLINGSBY, B.P.; WHITTINGTON, A.R.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.

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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/528,592		PCT/EP03/10935		P33117USW	
23. Other items or information:					
The following fees have been submitted:				CALCULATIONS PTO USE	
24. <input type="checkbox"/> Basic national fee				\$300	\$ \$0.00
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article				\$0	\$ \$0.00
All other situations.				\$200	
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).				\$0	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.				\$100	\$ \$0.00
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.				\$400	
All other situations.				\$500	
TOTAL OF 24, 25 and 26 =					\$ \$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0	/50 =	0	x \$250.00	\$ \$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).					\$ \$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$ \$0.00	
Independent claims	- 3 =	0	x \$200.00	\$ \$0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00					\$ \$0.00
TOTAL OF ABOVE CALCULATIONS =					\$ \$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					\$ \$0.00
SUBTOTAL =					\$ \$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).					\$ \$0.00
TOTAL NATIONAL FEE =					\$ \$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.26, 3.31). \$40 per property +					\$ \$0.00
TOTAL FEES ENCLOSED =					\$ \$130.00
				Amount to be	\$
				Amount to be	\$

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$ \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

23347

SIGNATURE

J. Scott Young

NAME

45,582

REGISTRATION NUMBER

DATE

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FORM PTO-1390 (Modified) U.S. PATENT AND 1
(REV. 7-2005)

MARK OFFICE; U.S. DEPARTMENT OF COMMERCE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

A. RECEIVING DOCKET NUMBER

P33117USW

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/528,592

INTERNATIONAL APPLICATION NO.

PCT/EP03/10935

INTERNATIONAL FILING DATE

September 25, 2003

PRIORITY DATE CLAIMED

September 27, 2002

TITLE OF INVENTION

Pyridine Derivatives As CB2 Receptor Modulators

APPLICANT(S) FOR DO/EO/US

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TOTAL FEES ENCLOSED =				\$	\$130.00
Amount to be				\$	
Amount to be				\$	

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007 OMB 0851-0021
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J. Scott Young

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45,582

REGISTRATION NUMBER

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